

## **REMARKS**

The Office Action dated July 25, 2007, has been carefully considered. Claims 1, 50-89 and 91-101 are pending in the present application. Claim 1 has been amended to more particularly point out a certain embodiment of the present invention. Support for the amendment can be found in the originally-filed specification at, for example, page 6, lines 28-29. Claims 50-89 are cancelled without prejudice. Applicant reserves the right to pursue the subject matter of the cancelled claims in one or more related applications. New claims 102-104 have been added and find support in the originally-filed specification at, for example, page 14, lines 10-21. No new matter has been introduced. Upon entry of these amendments, claims 1 and 91-104 will be pending.

Entry of the amendments and reconsideration of the present application are respectfully requested.

### **I. CLAIM REJECTION UNDER 35 U.S.C. § 102(e)**

Claims 1, 91-92, 94-96, and 98-101 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,488,701 to Nolting *et al.* (“Nolting”). This rejection is respectfully traversed.

As amended, independent claim 1 recites “[a]n expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion, a second end portion and a middle portion; a flow passage defined therethrough; and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion, wherein the biocompatible coating comprises a polymer or a drug, and wherein the middle portion surface is free of any biocompatible coating.” Claims 91-92, 94-96 and 98-101 depend from claim 1 and, therefore, include all the recitations of claim 1.

Nolting does not disclose or suggest “an expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion and wherein the *middle portion surface is free of any biocompatible coating*,” as recited in claim 1 (emphasis added).

As previously discussed in the Amendment dated May 1, 2007, Nolting discloses a stent-graft assembly comprising a stent having at least one support member wherein “[s]ome or all of the support member or members comprise a coating which substantially encapsulates the coated support member or members” and “the stent-graft includes an ultra-thin membrane

or covering which is attached to the coating" (col. 5, lines 32-38). Nolting also discloses that "the proximal and distal regions of the stent-graft can have an *additional coating over the first coating and the membrane*" (col. 5, lines 38-40) (emphasis added).

Unlike the presently-claimed invention, Nolting does not disclose or suggest that the middle portion surface of its stent is free of any biocompatible coating, as recited in the present claims. In fact, Nolting teaches that coating 20 that is disposed on the surface of the ends of its stent also covers the surface of the middle of Nolting's stent (see Figure 2 of Nolting). Figure 2 of Nolting shows a stent (9) with a first coating (20) on "some or all of the support members (11)," a thin membrane (21) over the first coating (20), and a second coating (34) over the thin membrane and the first coating (20) on the distal portion of the stent (col. 7, ll. 35-52). By teaching that the coating 20, which is on the surface of the ends of the stent, also covers the surface of the middle of Nolting's stent, Nolting teaches away from the presently claimed invention where the middle portion of the metal surface of the stent is free of any biocompatible coating, as recited by claim 1.

Thus, Nolting does not disclose "a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion and wherein the middle portion surface is free of any biocompatible coating," as recited by the present claims.

Thus, for at least the above reasons, it is believed that claim 1 and the claims depending therefrom are patentable over Nolting. Accordingly, withdrawal of this rejection and allowance of claims 1, 91-92, 94-96 and 98-101 are respectfully requested.

## **II. CLAIM REJECTION UNDER 35 U.S.C. § 103(a)**

### **A. Claim 93 Is Patentable Under 35 U.S.C. § 103(a) Over Nolting in View of U.S. Patent No. 6,620,194 to Ding et al.**

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Claim 93 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of U.S. Patent No. 6,620,194 to Ding *et al.* ("Ding"). This rejection is respectfully traversed.

Claim 93 depends from claim 1 and therefore includes all the recitations of claim 1. As discussed above, Nolting does not teach or suggest an expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion and wherein the middle portion surface is free of any biocompatible coating, as recited in claim 1. In order to remedy the deficiencies of Nolting the Examiner cites Ding. However, Ding does not remedy the deficiencies of Nolting.

Therefore, since Nolting in view of Ding does not teach or suggest each and every element of claim 93, Applicant requests that the rejection of claim 93 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of Ding be withdrawn.

**B. Claim 97 Is Patentable Under 35 U.S.C. § 103(a) Over Nolting in View of U.S. Publication No. 2004/0106985 to Jang**

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Claim 97 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of U.S. Publication No. 2004/0106985 to Jang (“Jang”). This rejection is respectfully traversed.

Claim 97 depends from claim 1 and therefore includes all the recitations of claim 1. As discussed above, Nolting does not teach or suggest an expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion and wherein the middle portion surface is free of any biocompatible coating, as recited in claim 1. In order to remedy the deficiencies of Nolting the Examiner cites Jang. However, Jang does not remedy the deficiencies of Nolting.

Therefore, since Nolting in view of Jang does not teach or suggest each and every element of claim 97, the Applicant requests that the rejection of claim 97 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of Jang be withdrawn.

**III. NEW CLAIMS 102-104**

New claims 102-104 depend indirectly from claim 1, which was shown above to be patentable over the references cited herein. Thus, claims 102-104 are also believed to be patentable. Accordingly, allowance of claims 102-104 is respectfully requested.

#### **IV. CONCLUSION**

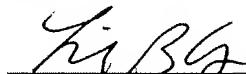
In light of the above amendments and remarks, it is believed that the claim rejections have been overcome and that the pending claims and new claims are in condition for allowance. Should the Examiner not agree with Applicant's position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

Respectfully submitted,

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Enclosure